

Patent
U.S. Patent Application No. 09/919,461
Attorney's Docket No. 00-5017

REMARKS

In the first Office Action, the Examiner objects to the specification due to an informality, rejects claims 1-12 and 15-32 under 35 U.S.C. § 102(b) as anticipated by MORRILL, Jr. (U.S. Patent No. 5,991,749); and rejects claims 13 and 14 under 35 U.S.C. § 103(a) as unpatentable over MORRILL, Jr. in view of STILP et al. (U.S. Patent No. 5,327,144).

By way of this amendment, the specification has been amended to improve form, claim 6 has been canceled without prejudice or disclaimer, and claims 1 and 17 have been amended to improve form. Claims 1-5 and 7-32 remain pending.

The specification is objected to due to an informality. Applicant amends the specification herewith to correct the informality. Accordingly, Applicant requests that the objection to the specification be reconsidered and withdrawn.

Claims 1-12 and 15-32 are rejected under 35 U.S.C. § 102(b) as allegedly anticipated by MORRILL, Jr. Applicant respectfully traverses this rejection.

A proper rejection under 35 U.S.C. § 102 requires that the reference teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. See M.P.E.P. § 2131. Applicant respectfully submits that MORRILL, Jr. does not disclose or suggest features of claims 1-12 and 15-32.

For example, amended independent claim 1 is directed to a system configured to facilitate ordering of goods or services from a vendor by a customer. The system includes one or more base stations configured to receive an abbreviated dialing sequence that

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corresponds to an order from a mobile terminal used by the customer; and a processing center coupled between the one or more base stations and the vendor and configured to receive the abbreviated dialing sequence, to transmit customer information to the vendor relating to the order based on a location of the mobile terminal, and to bill a wireless account of the customer for a monetary amount of the order. MORRILL, Jr. does not disclose or suggest this combination of features.

For example, MORRILL, Jr. does not disclose or suggest a processing center that transmits customer information to the vendor relating to the order based on a location of the mobile terminal. This feature is similar to the feature recited in canceled claim 6. The Examiner did not specifically address the feature of claim 6. That is, the Examiner did not specifically point out where MORRILL, Jr. discloses a processing center that transmits customer information to the vendor relating to the order based on a location of the mobile terminal. Accordingly, a *prima facie* basis for denying patentability has not been established with respect to claim 6. Since claim 1 has been amended to include this feature from claim 6, a *prima facie* basis for denying patentability does not exist with respect to claim 1.

Nevertheless, Applicant submits that MORRILL, Jr. is completely silent with respect to this feature of amended claim 1.

Since MORRILL, Jr. does not disclose features of Applicant's claim 1, the rejection of claim 1 under 35 U.S.C. § 102 based on MORRILL, Jr. is improper.

For at least the foregoing reasons, Applicant submits that claim 1 is not anticipated by MORRILL, Jr.

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Claims 2-5 and 7 depend from claim 1. Therefore, these claims are not anticipated by MORRILL, Jr. for at least the reasons given above with respect to claim 1.

Independent claim 8 is directed to a method of providing abbreviated dialing service. The method includes receiving, at an abbreviated dialing processing center, an abbreviated dialing sequence that corresponds to an order from a mobile terminal operated by a customer; determining a location of the mobile terminal; and processing the abbreviated dialing sequence and sending customer information to a vendor based on the location of the mobile terminal. MORRILL, Jr. does not disclose or suggest this combination of features.

For example, MORRILL, Jr. does not disclose sending customer information to a vendor based on the location of the mobile terminal. The Examiner groups the rejection of claim 8 with the rejection of claims 1-7 (Office Action, pg. 2). The Examiner, however, does not address the above feature of claim 8. Accordingly, a *prima facie* basis for denying patentability has not been established with respect to claim 8. Applicant respectfully requests that the Examiner specifically address this feature of claim 8 or withdraw the rejection.

As set forth above, MORRILL, Jr. in no way discloses or suggests sending customer information to a vendor based on the location of the mobile terminal.

Since MORRILL, Jr. does not disclose at least the above feature of Applicant's claim 8, the rejection of claim 8 under 35 U.S.C. § 102 based on MORRILL, Jr. is improper.

For at least the foregoing reasons, Applicant submits that claim 8 is not anticipated by MORRILL, Jr.

Claims 9-12, 15, and 16 depend from claim 8. Therefore, these claims are not

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anticipated by MORRILL, Jr. for at least the reasons given above with respect to claim 8.

Moreover, these claims recite additional features not disclosed or suggested by MORRILL, Jr.

For example, claim 11 recites identifying a vendor that is most convenient to the customer based on the determined location of the mobile terminal and sending the customer information to the identified vendor. MORRILL, Jr. does not disclose or suggest this combination of features.

For example, MORRILL, Jr. does not disclose or suggest identifying a vendor that is most convenient to the customer based on the determined location of the mobile terminal. The Examiner does not address this feature of Applicant's claim 11. Accordingly, the Examiner has not established a *prima facie* basis for denying patentability with respect to claim 11.

For at least this additional reason, Applicant submits that claim 11 is not anticipated by MORRILL, Jr.

Amended independent claim 17 recites, *inter alia*, receiving abbreviated dialing information at the vendor, where the abbreviated dialing information is received at the vendor based on a location of the mobile terminal. MORRILL, Jr. in no way discloses or suggests this feature. That is, MORRILL, Jr. does not disclose or suggest that abbreviated dialing information is received at a vendor based on a location of the mobile terminal.

For at least these reasons, Applicant submits that claim 17 is not anticipated by MORRILL, Jr.

Claims 18-23 depend from claim 17. Therefore, these claims are not anticipated by

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MORRILL, Jr. for at least the reasons given above with respect to claim 17. Moreover, these claims recite additional features not disclosed or suggested by MORRILL, Jr.

For example, claim 19 recites that the customer preferences include at least one default order. MORRILL, Jr. does not disclose or suggest this feature. The Examiner did not specifically point out where this feature is disclosed in MORRILL, Jr. Accordingly, a *prima facie* basis for denying patentability has not been established with respect to claim 19.

For at least this additional reason, Applicant submits that claim 19 is not anticipated by MORRILL, Jr.

Independent claim 24 recites features similar to features recited in claim 1. For example, claim 24 recites sending customer information to one or more locations of the vendor based on the determined locations. Claim 24, therefore, is not anticipated by MORRILL, Jr. for reasons similar to reasons given above with respect to claim 1.

Claims 25-27 depend from claim 24. Therefore, these claims are not anticipated by MORRILL, Jr. for at least the reasons given above with respect to claim 24.

Independent claim 28 recites features similar to features recited in claim 1. For example, claim 28 recites means for transmitting customer information relating to the order to the vendor based on the determined location of the mobile terminal. Claim 28, therefore, is not anticipated by MORRILL, Jr. for reasons similar to reasons given above with respect to claim 1.

Claims 29 depends from claim 28. Therefore, this claim is not anticipated by MORRILL, Jr. for at least the reasons given above with respect to claim 28.

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Independent claim 30 is directed to a method of providing goods or services to a customer. The method includes establishing an account for the customer, obtaining ordering preferences from the customer, associating the ordering preferences with abbreviated dialing codes, receiving an abbreviated dialing code from the customer, and delivering the goods or services to the customer according to the ordering preferences and the received abbreviated dialing code. MORRILL, Jr. does not disclose or suggest this combination of features.

For example, MORRILL, Jr. does not disclose or suggest associating order preferences that have been obtained from the customer with abbreviated dialing codes. The Examiner does not address this feature in the Office Action. Accordingly, the Examiner has not established a *prima facie* basis for denying patentability with respect to claim 30.

For at least the foregoing reasons, Applicant submits that claim 30 is not anticipated by MORRILL, Jr.

Claims 31 and 32 depend from claim 30. Therefore, these claims are not anticipated by MORRILL, Jr. for at least the reasons given above with respect to claim 30.

Claims 13 and 14 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over MORRILL, Jr. in view of STILP et al. Applicant respectfully traverses this rejection.

Claims 13 and 14 depend from claim 8. The disclosure of STILP et al. does not remedy the deficiencies in the disclosure of MORRILL, Jr. set forth above with respect to claim 8. Therefore, Applicant submits that claims 13 and 14 are patentable over MORRILL, Jr. and STILP et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 8.

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In view of the foregoing amendments and remarks, Applicant respectfully requests the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 07-2347 and please credit any excess fees to such deposit account.

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